

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN P. EGGERT and JOHNNETTE P.
EGGERT,

Plaintiffs,

Case No. 04-CV-73882-DT

EQUIFAX CREDIT INFORMATION
SERVICES,

Defendant.

/

ORDER DISMISSING CASE WITHOUT PREJUDICE

On June 2, 2005, the court entered its "Order to Show Cause and Notice of Intended Dismissal Without Prejudice" in the above-captioned matter. Plaintiffs responded to the court's June 2, 2005 order on June 9, 2005, indicating that Plaintiffs had no objection to the court's intended dismissal without prejudice to permit the parties to engage in settlement discussions. Plaintiff raised a concern only regarding the impact that a dismissal without prejudice and *refiling* might have on the relevant statute of limitations.

On June 20, 2005, the court held a telephone status conference with counsel for the parties. During this conference the court suggested, and the parties' counsel agreed, that a dismissal without prejudice to Plaintiffs' rights to *reinstate* the current action not later than Thursday, October 20, 2005 would be appropriate. Accordingly,

IT IS ORDERED that the above-captioned case is DISMISSED WITHOUT PREJUDICE to Plaintiffs' right to seek reinstatement of this case by **October 20, 2005.¹**

¹ In the event Plaintiff reinstates this case, the period of dismissal without prejudice shall have no impact on the parties' claims and defenses as asserted in the original action. Reinstatement will simply put the parties in a position that they would have been in had the dismissal without prejudice never been entered. For example, Plaintiffs claims that were timely filed under the applicable statute of limitations would not become untimely based on the dismissal period; nor has Defendant waived its right

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 22, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 22, 2005, by electronic and/or ordinary mail.

S/Lisa G. Teets
Case Manager and Deputy Clerk
(313) 234-5522

to argue that some or all claims filed in the initial complaint are barred by the applicable statute of limitations.